

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-2488

RODNEY VICTOR HARRIS,

Plaintiff - Appellant,

versus

DONALD G. POWERS, Senior Assistant Attorney
General,

Defendant - Appellee.

Appeal from the United States District Court for the Western
District of Virginia, at Roanoke. James C. Turk, Senior District
Judge. (CA-03-681-7)

Submitted: April 23, 2004

Decided: May 10, 2004

Before WIDENER, WILKINSON, and MICHAEL, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Rodney Victor Harris, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Rodney Victor Harris seeks to appeal the district court's order dismissing without prejudice his 42 U.S.C. § 1983 (2000) complaint under 28 U.S.C. § 1915(e)(2)(B). We dismiss the appeal for lack of jurisdiction because the notice of appeal was not timely filed.

Parties are accorded thirty days after the entry of the district court's final judgment or order to note an appeal, Fed. R. App. P. 4(a)(1)(A), unless the district court extends the appeal period under Fed. R. App. P. 4(a)(5) or reopens the appeal period under Fed. R. App. P. 4(a)(6). This appeal period is "mandatory and jurisdictional." Browder v. Director, Dep't of Corr., 434 U.S. 257, 264 (1978) (quoting United States v. Robinson, 361 U.S. 220, 229 (1960)).

The district court's order was entered on the docket on October 21, 2003. The notice of appeal was filed on December 1, 2003. Because Harris failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we deny his motions to submit circuit court transcripts and for a continuance, and we dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED